

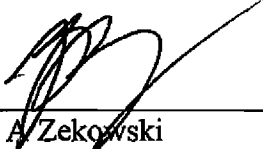
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
PAUL RUVOTALO,

Plaintiff(s),

-against-

ARCHDIOCESE OF NEW YORK and SACRED HEART
ROMAN CATHOLIC CHURCH,Defendant(s).
-----X**SUMMONS**Plaintiff(s) designate
NEW YORK County as the
place of trial.The basis of the venue is
Defendant Archdiocese of New
York place of businessPlaintiff(s) reside at
223 Palmer Road
Yonkers, NY 10701Index No.:
Date Summons &
Complaint Filed:**To the above-named Defendant(s)**

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Port Washington, NY
September 16, 2019By: 
Brett A. Zekowski
Parker Waichman LLP
Office & Post Office Address:
6 Harbor Park Drive
Port Washington, NY 11050
(516) 466-6500
Our File # 3002038TO: Archdiocese of New York
1011 First Avenue
New York, NY 10022Sacred Heart Roman Catholic Church
18 Bellwood Avenue
Dobbs Ferry, NY 10522

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
PAUL RUVOTALO,**VERIFIED COMPLAINT**

Plaintiff(s),

Index No.:

Jury Trial Demanded

-against-

ARCHDIOCESE OF NEW YORK and SACRED HEART
ROMAN CATHOLIC CHURCH,

Defendant(s).

-----X

Plaintiff, Paul Ruvotalo, by his attorneys Parker Waichman LLP, complaining of the defendants, respectfully alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

1. At the time of the commencement of this action plaintiff, Paul Ruvotalo, was a resident of the County of Westchester, State of New York.
2. At the time of the incident(s) giving rise to this complaint, plaintiff was a resident of the County of Westchester, State of New York.
3. This action is timely pursuant to CPLR 214-g.
4. At all times herein mentioned, defendant Archdiocese of New York was a religious corporation organized pursuant to the Religious Corporations Law, with its principal office at 1011 First Avenue, in New York County, New York.
5. At all times herein mentioned, defendant Sacred Heart Roman Catholic Church was a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 18 Bellwood Avenue, Dobbs Ferry, NY 10522.
6. At all times herein mentioned, Sacred Heart Roman Catholic Church was a Roman Catholic Church or parish within and under the authority of defendant, Archdiocese of New York.

7. At all times herein mentioned Archdiocese of New York oversaw, managed, controlled, directed and operated Sacred Heart Roman Catholic Church.

8. At all times herein mentioned defendant Archdiocese of New York managed, supervised and controlled those who were employed or otherwise worked for Sacred Heart Roman Catholic Church including, but not limited to priests, nuns and other personnel and volunteers, both while they were on premises and engaged in off-premises activities related to their employment with Sacred Heart Roman Catholic Church.

9. At all times herein mentioned defendant Sacred Heart Roman Catholic Church managed, supervised and controlled those who were employed or otherwise worked for Sacred Heart Roman Catholic Church including, but not limited to priests, nuns and other personnel and volunteers, both while they were on premises and engaged in off-premises activities related to their employment with Sacred Heart Roman Catholic Church.

10. From on or about January 1, 1958 through on or about September 1, 1993, plaintiff, Paul Ruvotalo, an infant, attended Sacred Heart Roman Catholic Church.

11. From on or about January 1, 1958 through on or about September 1, 1993, plaintiff, Paul Ruvotalo, was a parishioner of Sacred Heart Roman Catholic Church.

12. At all times herein mentioned and relevant to the allegations set forth herein Robert Barrett was a priest assigned by Defendant Archdiocese of New York to Sacred Heart Roman Catholic Church.

13. At all times herein mentioned and relevant to the allegations set forth herein Robert Barrett was a priest at Sacred Heart Roman Catholic Church.

14. At all times herein mentioned, Robert Barrett was employed by Archdiocese of New York.

15. At all times herein mentioned, Robert Barrett was employed by the Sacred Heart

Roman Catholic Church.

16. Through his position with Archdiocese of New York, Robert Barrett was put in direct contact with Plaintiff, Paul Ruvotalo, then an infant.

17. Through his position with Sacred Heart Roman Catholic Church, Robert Barrett was put in direct contact with Plaintiff, Paul Ruvotalo, then an infant.

18. That on or about October 1, 1974 through October 31, 1974, Robert Barrett sexually abused the plaintiff, Paul Ruvotalo.

19. At all times herein mentioned, Robert Barrett was under the management, supervision, employ, direction and/or control of Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church.

20. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church knew and/or reasonably should have known and/or knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Robert Barrett who sexually abused the Plaintiff Paul Ruvotalo while Plaintiff was an infant.

21. Defendant, Archdiocese of New York had the responsibility to manage, supervise, control and/or direct priests assigned to Sacred Heart Roman Catholic Church.

22. At all relevant times, Archdiocese of New York and Sacred Heart Roman Catholic Church had a duty not to aid pedophiles such as Robert Barrett by assigning, maintaining and/or appointing he/she to positions in which he/she would have access to minors.

23. At all relevant times, Robert Barrett used his position as a priest to entice, take control of Paul Ruvotalo and sexually assault, sexually abuse or have sexual contact with Paul Ruvotalo while plaintiff was a minor.

24. Defendants, individually, jointly and/or severally, violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§413 and 420, which require church

officials, employees and managers to report suspected cases of child abuse and impose liability for failure to report.

25. Plaintiff suffered physical and psychological injuries and damages as a result of his childhood sexual abuse by Robert Barrett

26. As a direct result of defendants' conduct, Plaintiff suffered and will continue to suffer great pain of body and mind, severe and permanent emotional distress and physical manifestations of emotional distress. As a result of his childhood sexual abuse, plaintiff has been prevented from obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling and has incurred and will continue to incur loss of income and/or loss of earning capacity.

27. Because of his childhood sexual abuse, Plaintiff Paul Ruvotalo is unable to fully describe all of the details of that abuse and the extent of the harm that he suffered as a result.

**AS AND FOR A FIRST CAUSE OF ACTION
NEGLIGENT HIRING, RETENTION, SUPERVISION AND/OR DIRECTION**

28. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 27 as if fully set forth herein.

29. The sexual abuse of children by adults, including priests and teachers, is foreseeable.

30. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church at all relevant times represented and held out to the public Sacred Heart Roman Catholic Church to be safe places for learning and participating in youth activities.

31. At all relevant times, defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were each under an express and/or implied duty to protect and care for plaintiff, Paul Ruvotalo.

32. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church negligently hired, retained, directed and supervised Robert Barrett because they knew or should have known that Robert Barrett posed a threat of sexual abuse of children such as plaintiff.

33. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church knew or should have known that Robert Barrett had a propensity to engage in the conduct which caused plaintiff's injuries prior to or about the time of the occurrence of these injuries.

34. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church owed a duty of care to all minors, including plaintiff, who were likely to come under the influence or supervision of Robert Barrett in their role as teacher, priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer to ensure that Robert Barrett did not use their assigned positions to injure minors by sexual assault, sexual abuse or sexual contact with minors.

35. Robert Barrett sexually assaulted, sexually abused and/or had sexual contact with plaintiff Paul Ruvotalo on Defendants' premises.

36. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were put on notice of Archdiocese of New York's improper and inappropriate actions toward minors.

37. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were negligent in failing to properly supervise Robert Barrett.

38. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were negligent in failing to properly manage Robert Barrett.

39. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were negligent in failing to properly control Robert Barrett.

40. At all relevant times, defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were willful, wanton, malicious, reckless and/or outrageous in their

disregard for the rights and safety of plaintiff.

41. As a direct and proximate result of defendants' above described omissions, plaintiff has suffered and will continue to suffer the injuries described herein.

42. By reason of the foregoing, the Defendants are liable to plaintiff jointly, severally and/or in the alternative, for compensatory damages and punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
NEGLIGENCE/GROSS NEGLIGENCE**

43. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 42 as if fully set forth herein.

44. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church knew or negligently failed to know that Robert Barrett posed a threat of sexual abuse to children.

45. The acts of Robert Barrett as described above, were undertaken, enabled by, and/or during the course of their respective employment, assignment, appointment and/or agency with defendants Archdiocese of New York and Sacred Heart Roman Catholic Church.

46. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church:

- a. gave improper or ambiguous orders or failed to make proper regulations,
and/or employed improper persons in work involving risk of harm to others;
- b. failed to adequately supervise the activities of Robert Barrett;
- c. failed to adequately supervise and safeguard minors attending Sacred Heart Roman Catholic Church;
- d. permitted and/or intentionally failed and/or neglected to prevent negligent or tortious conduct by persons, whether or not their servants, agents or employees,

upon premises under their control; and

- e. allowed the acts of omission and/or commission of any or all of the allegations set forth in this Complaint to occur.

47. At all relevant times Robert Barrett was under the supervision, employ, direction and/or control of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church.

48. At all relevant times, defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were wanton, willful, malicious, reckless and outrageous in their disregard for the rights and safety of plaintiff, which conduct was equivalent to criminal conduct.

49. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages as described herein.

50. By reason of the foregoing, defendants jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

THIRD CAUSE OF ACTION BREACH OF FIDUCIARY DUTY

51. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 50 as if fully set forth herein.

52. At all relevant times, there existed a fiduciary relationship of trust, confidence, and reliance between plaintiff, on the one hand. and defendants Archdiocese of New York and Sacred Heart Roman Catholic Church, on the other, based upon the entrustment of plaintiff, while he was a minor child, to the care and supervision of the defendants and each of them, as a parishioner, worshiper, invitee, attendee or guest at Sacred Heart Roman Catholic Church. The entrustment of the plaintiff to the care and supervision of the defendants and each of them, while plaintiff was a

minor child, required the defendants to assume a fiduciary role and to act in the best interests of the plaintiff and to protect him while he was a minor and vulnerable child.

53. Pursuant to their fiduciary relationship with Plaintiff, defendants were entrusted with the well-being, care and safety of Plaintiff.

54. Pursuant to their fiduciary relationship with Plaintiff, defendants assumed a duty to act in the best interests of Plaintiff.

55. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church breached their fiduciary duties to plaintiff.

56. At all relevant times, the actions and/or inactions of Archdiocese of New York and Sacred Heart Roman Catholic Church were willful, malicious, wanton, reckless and outrageous in their disregard for the rights and safety of plaintiff.

57. As a direct result of defendants' conduct, plaintiff has suffered injuries and damages described herein.

58. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**FOURTH CAUSE OF ACTION
BREACH OF NON-DELEGABLE DUTY**

59. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 65 as of fully set forth herein.

60. When he was a minor, plaintiff Paul Ruvotalo was placed in the care of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church for the purposes of providing plaintiff with a safe environment in which to participate in youth activities and receive an

education. There was thus created a non-delegable duty of trust between plaintiff and defendants.

61. Plaintiff Paul Ruvotalo was a vulnerable child when placed in the care of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church.

62. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church, and each of them, were in the best position to prevent plaintiff from being abused and/or to have learned of the repeated abuse by Robert Barrett and to have stopped it.

63. As evidenced by the fact that plaintiff Paul Ruvotalo was sexually abused as a minor child entrusted to the care of the defendants, these defendants breached their non-delegable duty to plaintiff.

64. At all relevant times, Robert Barrett was under the supervision, employment, direction and/or control of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church.

65. As a result of the sexually abusive conduct of Robert Barrett, plaintiff Paul Ruvotalo suffered the injuries and damages described herein, the full extent of which is unknown at present.

66. By reason of the foregoing, defendants jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**FIFTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

67. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 73 above as if set forth at length herein.

68. As described above, defendants Archdiocese of New York and Sacred Heart

Roman Catholic Church and Robert Barrett acted in a negligent and/or grossly negligent manner.

69. The actions of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church and Robert Barrett endangered plaintiff's safety and caused him to fear for his own safety.

70. As a direct and proximate result of the actions of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church, which included, but were not limited to, negligent and/or grossly negligent conduct, plaintiff suffered severe injuries and damages as described herein, including, but not limited to, mental and emotional distress.

71. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SIXTH CAUSE OF ACTION
BREACH OF DUTY *IN LOCO PARENTIS***

72. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 73 as if set forth at length herein.

73. While he was a minor, plaintiff was entrusted by his parents to the control of the defendants Archdiocese of New York and Sacred Heart Roman Catholic Church for the purposes of providing plaintiff with an education and allowing him to participate in youth activities sponsored by defendants. During the times that plaintiff was at church and during the times that he participated in youth activities, he was under the supervision and control of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church. These defendants, and each of them, at all relevant times and now, owed and owe a duty to children entrusted their care to act *in loco parentis* and to prevent foreseeable injuries.

74. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church breached their duty to act *in loco parentis*.

75. At all relevant times the actions of defendants Archdiocese of New York and Sacred Heart Roman Catholic Church were willful, malicious, wanton, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of plaintiff.

76. As a direct result of defendants' conduct, plaintiff Paul Ruvotalo has suffered the injuries and damages described herein.

77. By reason of the foregoing, defendants jointly, severally and/or in the alternative, are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SEVENTH CAUSE OF ACTION
BREACH OF STATUTORY DUTY PURSUANT TO NEW YORK
SOCIAL SERVICES LAW §§ 413, 420 TO REPORT ABUSE**

78. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 79 as if fully set forth herein.

79. Pursuant to N.Y. Social Services Law §§413, 420, defendants Archdiocese of New York and Sacred Heart Roman Catholic Church had a statutory duty to report the reasonable suspicion of abuse of children in their care.

80. Defendants Archdiocese of New York and Sacred Heart Roman Catholic Church breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Robert Barrett of children in their care.

81. As a direct and/or indirect result of said conduct, plaintiff has suffered injuries and damages as described above.

82. By reason of the foregoing, defendants jointly, severally and/or in the alternative

are liable to plaintiff for compensatory damages and punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against defendants on each cause of action as follows:

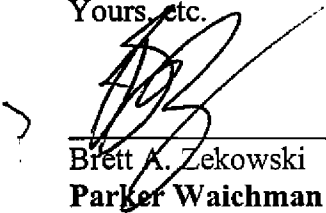
- A. Awarding compensatory damages in an amount to be proven at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: Port Washington, New York
September 16, 2019

Yours, etc.


Brett A. Zekowski
Parker Waichman LLP
Attorneys for Plaintiff(s)
Office & Post Office Address
6 Harbor Park Drive
Port Washington, NY 11050

516-466-6500
Our File # 3002038

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)

: ss :

COUNTY OF NASSAU)

Brett A. Zekowski, an attorney and counselor at law, duly admitted to practice in the Courts of the State of New York, affirms the following to be true under penalties of perjury:

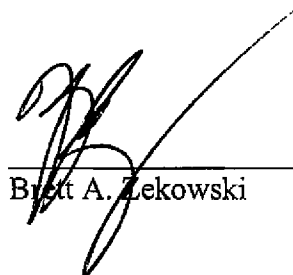
I am an associate of the firm **Parker Waichman LLP** attorneys for the plaintiff(s) herein.

I have read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof. Upon information and belief, I believe the matters alleged therein to be true.

The source of your deponent's information and the grounds of my belief are communications, papers, reports and investigations contained in my file.

The reason this verification is made by deponent and not by plaintiff(s) is that plaintiff(s) reside in a county other than the one in which your deponent's office is maintained.

Dated: Port Washington, NY
September 16, 2019



Brett A. Zekowski

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

PAUL RUVOTALO,

Plaintiff(s),

-against-

**ARCHDIOCESE OF NEW YORK and SACRED HEART
ROMAN CATHOLIC CHURCH,**

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

Certification per 22NYCRR §130-1.1a

**Brett A. Zekowski
Parker Waichman LLP
Attorneys for Plaintiff(s)
6 Harbor Park Drive
Port Washington, NY 11050
(516) 466-6500**

To:
Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:
Attorney(s) for

**PLEASE TAKE NOTICE
NOTICE OF**

ENTRY that the within is a (certified) true copy of a entered in the office of the Clerk of the within named
Court on 2019 .

NOTICE that an Order of which the within is a true copy will be presented to the Hon. , one of the
OF
SETTLEMENT judges of the within named Court, at ,
, on
2019, at M.

Dated:

**Parker Waichman LLP
Attorneys for Plaintiff(s)**